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Examiner Sing Group Art Unit: 2645

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FACSIMILE NO: 703-872-9306



FROM: H. Artoush Ohanian, Reg. No. 46,022

RE: Reply to Examiner's Answer dated April 20, 2005; Title: "Logging Calls According to Call Context" Atty. Docket No.: AUS920010835US1 (134)

SERIAL NO.: 10/022,624

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COMMENTS: Please see attached.

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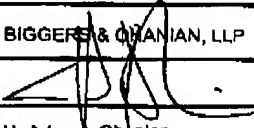
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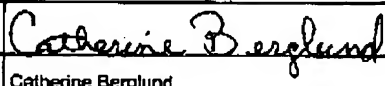
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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/022,624	
	Filing Date	12/17/2001	
	First Named Inventor	Michael Wayne Brown	
	Art Unit	2645	
	Examiner Name	Sing, Simon P.	
Total Number of Pages in This Submission	8	Attorney Docket Number	AU920010835US1

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: §
Michael Wayne Brown, *et al.* § Group Art Unit: 2645
Serial No.: 10/022,624 §
Filed: December 17, 2001 § Examiner: Sing, Simon P.
Title: Logging Calls According to Call §
Context §
§
§
§

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Catherine Berglund
Catherine Berglund

REPLY TO EXAMINER'S ANSWER DATED APRIL 20, 2005

Dear Sir:

This is a Reply Brief submitted in response to the Examiner's Answer dated April 20, 2005 (hereafter "Reply Brief"). Claims 1-47 are in the case. Applicants present the following remarks demonstrating that the case is in condition for allowance.

Appeal Brief

Applicants acknowledge that the Examiner's Answer states that the Appeal Brief filed on November 1, 2004, contains the correct Real Party in Interest, Related Appeals and Interferences, Status of Claims, Status of Amendments After Final, and Summary of Invention. As such, the case is in condition to be heard by the Board of Patent Appeals and Interferences.

AUS920010835US1

RESPONSE TO EXAMINER'S ARGUMENTS**REJECTION UNDER 35 U.S.C § 102(e) OVER GURBANI**

Claims 1, 2, 4-8, 11-17, 19-23, 26-32 and 36-47 stand rejected under 35 U.S.C § 102(e) as being anticipated by Gurbani (U.S. Patent No. 6,282,275). Independent claim 1 claims "a method for controlling call logging, comprising: detecting a context for a call; accessing at least one context based logging request valid for said context for said call; and logging said context according to said context based logging request." Applicants Appeal Brief of November 1, 2004, demonstrated at page 5 that Gurbani actually teaches away from controlling call logging including context based logging requests that are valid for a context of a call because Gurbani teaches listing all calls without regard to the call context and without regard to valid context based logging requests.

The Examiner's Answer of April 20, 2005, states at paragraph 7.1.1 that Gurbani does not teach listing all calls without regard to the call context and without regard to a valid context based logging request citing Figure 2. In support of this argument, the Examiner's Answer of April 20, 2005, states Gurbani teaches logging a caller ID only when the caller ID is detected and when a logging request is valid.

Figures 2A and 2B of Gurbani and the supporting description of Figures 2A and 2B at column 3, line 56- column 4, line 20 actually supports Applicants' description of Gurbani. Figures 2A and 2B demonstrate that Gurbani teaches logging all calls without regard to the call context and without regard to valid context based logging requests. Figures 2A and 2B illustrate that all calls are logged. The calls are logged with the caller name, the caller number, and the time of the call when a caller ID is identified and the calls are logged by logging 'none' for the caller name, logging 'none' for the caller number, and logging the time of the call when a caller ID is not identified. Figures 2A and 2B demonstrates that Gurbani teaches logging all calls. Gurbani therefore actually teaches away from controlling call logging including context based logging requests that are valid

AUS920010835US1

for a context of a call because Gurbani teaches listing all calls without regard to the call context and without regard to valid context based logging requests.

Because Gurbani teaches listing all calls without regard to the call context and without regard to valid context based logging requests, Gurbani does teach each and every element of Applicants' claims or enable applicant's claims. Gurbani therefore does not anticipate Applicants' claims.

REJECTION UNDER 35 U.S.C § 102(e) OVER SCHAFFER

Claims 1, 3, 4, 16, 18, 19, 31 and 32 stand rejected under 35 U.S.C § 102(e) as being anticipated by Shaffer, *et al.* (U.S. Patent No. 6,363,145). Independent claim 1 claims "a method for controlling call logging, comprising: detecting a context for a call; accessing at least one context based logging request valid for said context for said call; and logging said context according to said context based logging request." Applicants Appeal Brief of November 1, 2004, demonstrated at page 11 that Shaffer teaches monitoring the actual voice patterns of callers participating in the call not detecting a context for a call and that Shaffer does not disclose controlling call logging or context based logging requests that are valid for a context of a call.

The Examiner's Answer of April 20, 2005, states at paragraph 7.2.1 that Shaffer teaches monitoring voice patterns such as length of silence, volume level, and excessive interruptions, not spoken words and therefore teaches controlling call logging when said voice pattern is detected. The Examiner's Answer of April 20, 2005, equates the voice patterns of call with a call context by relying on a definition of 'context' from Webster's dictionary and augmenting the description of call contexts in Applicants' specification on page 10. Such an interpretation is improper and inconsistent with Applicants' specification.

Applicants maintain their position that monitoring the actual voice patterns of callers participating in a call, that is, the voice content of the call, is not detecting a context for a

AUS920010835US1

call and that Shaffer does not disclose controlling call logging or context based logging requests that are valid for a context of a call. In fact, Shaffer does not even mention controlling call logging, context based logging requests, valid context based logging requests or invalid context based logging requests. Shaffer therefore does not anticipate Applicants' claims.

REJECTION UNDER 35 U.S.C § 102(e) OVER MALONEY

Claims 1, 9, 10, 16, 24, 25, 31, 33, 35, 41, 44 and 47 stand rejected under 35 U.S.C § 102(e) as being anticipated by Maloney, *et al.* (U.S. Patent No. 5,535,256). Independent claim 1 claims "a method for controlling call logging, comprising: detecting a context for a call; accessing at least one context based logging request valid for said context for said call; and logging said context according to said context based logging request." Applicants' Appeal Brief of November 1, 2004, demonstrated at page 18 that Maloney discloses automatically monitoring the performance quality of call center service representatives by automatically and randomly determining a time and interval to monitor the agent and recording the call service representative at the determined time and for the determined interval and demonstrated that Maloney does not disclose controlling call logging as claimed in the present application.

The Examiner's Answer of April 20, 2005, states at paragraph 7.3.1 that:

The Applicants choose to ignore the fact that monitoring is based on an agent's extension identification, requested by a supervisor during a scheduled monitoring period. In other words, Maloney's system, during a scheduled monitoring period (one month, for example, see figure 2) detects an incoming call to an agent's extension (context), determines with a database whether the agent is on monitoring list (requested by a supervisor), and if so (valid context based request, records the extension number and the agent's name according to a monitoring request.

The description of Maloney contained in the Examiner's Answer actually supports Applicants' position that Maloney does not anticipate the claims of the present application. The Examiner's Answer demonstrates that Maloney discloses recording all

AUS920010835US1

calls to the agent in the predetermined time period. Maloney does not disclose "controlling call logging, comprising: detecting a context for a call; accessing at least one context based logging request valid for said context for said call; and logging said context according to said context based logging request" as claimed in independent claim 1.

In support of the rejection, the Examiner's Answer relies on Figure 2 of Maloney. Figure 2 of Maloney illustrates a monitor schedule screen showing the data input that a call center supervisor would provide for automatically scheduling a monitoring the performance of call center agents. Maloney, column 4, lines 36-39. The monitor schedule screen of Figure 2 is implemented before any call occurs. Figure 2 therefore cannot disclose "detecting a context for a call" as the Examiner's Answer suggests. In fact, Maloney does not even mention context based logging requests, valid context based logging requests or invalid context based logging requests.

Maloney does not disclose "controlling call logging, comprising: detecting a context for a call; accessing at least one context based logging request valid for said context for said call; and logging said context according to said context based logging request" as claimed in independent claim 1. Maloney therefore does teach each and every element of Applicants' claims or enable Applicant's claims. Maloney does not anticipate Applicants' claims.

CONCLUSION

Claims 1-33 and 35-47 stand under 35 U.S.C § 102(e) as being anticipated by Gurbani, Shaffer and Maloney. Gurbani, Shaffer, and Maloney do not disclose each and every element of Applicants' claims and do not enable Applicants' claims. Gurbani, Shaffer, and Maloney therefore do not anticipate Applicants' claims. Claims 1-33 and 35-47 are therefore patentable and should be allowed. Applicants respectfully request reconsideration of claims 1-33 and 35-47.

In view of the forgoing arguments, reversal on all grounds of rejection is requested.

AUS920010835US1

The Commissioner is hereby authorized to charge or credit Deposit Account No. 09-0447 for any fees required or overpaid.

Respectfully submitted,

Date: June 20, 2005

By: 

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